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FOLDER #3

**STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING**

PERMITTEE

Allen Childs
Genwal Coal Company
P. O. Box 1201
1975 North 1st West
Huntington, Utah 84528

Permit Number ACT/015/032
Division Order #DO 91-B

**DIVISION ORDER AND FINDINGS
of
PERMIT DEFICIENCY**

PURSUANT to R614-303-212, the DIVISION hereby ORDERS the PERMITTEE, Genwal Coal Company, to make the permit changes enumerated in the FINDINGS OF PERMIT DEFICIENCY in order to be in compliance with the State Coal Program. These Findings of Permit Deficiency are to be remedied in accordance with the requirements of R614-303-220.

FINDINGS OF PERMIT DEFICIENCY

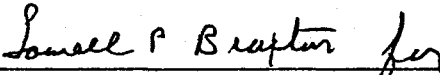
The Division of Wildlife Resources has identified various wildlife concerns that have not been adequately addressed in the mine plan as required by R614-301-330. These are listed in a letter to Dianne Nielson, dated March 20, 1991. (Attachment A) The concerns in this letter must be adequately addressed through mine plan amendment.

ORDER

Genwal Coal Company is ORDERED to make the requisite permit changes in accordance with R614-303-220, as set forth above, and to submit a complete application for permit change addressing each FINDING OF PERMIT DEFICIENCY within 30

days of receipt of this Order. Approval by the Division must be obtained within 60 days of receipt of this Order. All approvals not obtained within 60 days of receipt of this Order shall result in an ORDER TO SHOW CAUSE being issued to appear before the Board of Oil, Gas and Mining unless a request for extension has been obtained by the Director.

So ORDERED, this 18th day of April, 1991 by the Division of Oil, Gas and Mining.



Dianne R. Nielson, Director
Division of Oil, Gas and Mining

cc: Tom Mitchell
Joe Helfrich
A:\GENWAL.ORD



Norman H. Bangarter
Governor
Dee C. Hansen
Executive Director
Timothy H. Provan
Division Director

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

1596 West North Temple
Salt Lake City, Utah 84116-3195
901-533-9333
801-533-7073 Fax

ATTACHMENT "A"

RECEIVED

MAR 28 1991

DIVISION OF
OIL GAS & MINING

March 20, 1991

Dr. Dianne R. Nielson, Director
Utah Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Dear Dianne:

The Division has reviewed the updated plans for Genwal Coal Company's Crandall Canyon Mine. Contents of these recent changes have not addressed the Division's concerns outlined in a letter dated December 6, 1990. We would like to see a mine plan amendment that addresses the concerns as listed below.

The mine plan accurately identifies the presence of a golden eagle nest (nest No. 181.167) in Crandall Canyon. As stated, the nest was inactive from 1982 through 1987 after producing one young in 1980. Continued observations of golden eagles in the area leave open the distinct possibility that nesting may occur in the future. The mine plan states that monitoring and mitigation measures will be implemented when eagles are observed at the nesting site (Section 10.3.3, page 10-3, and Section 12.4.3, page 12-15). This position needs to be modified. Regardless of whether or not the birds are present in a given year, the nest is considered of critical value. Potential impacts to the nest itself must be considered. When eagles are present, the crucial breeding season (February 1 - July 15) is also of importance.

The "Vegetation and Terrestrial Wildlife Report" included in Section 10-3 should be corrected as follows: The Williamson's sapsucker (page 46), a species having high federal interest, has been documented to utilize (nest) the environs of the Huntington drainage typical to those found in the Crandall Canyon. This use needs to be identified.

State protected species of Crandall and Huntington Canyons are listed on page 49. All amphibian and reptilian species are protected in Utah. This list identifies the tiger salamander as the only protected amphibian species present. The entire list from Table 5 (page 55) should occur here. In addition, there are protected reptilian species that may inhabit the area. Note: Snake dens, if found, should be protected and reported to DWR.

Crandall Creek is classified as a Class III B trout fishery. As

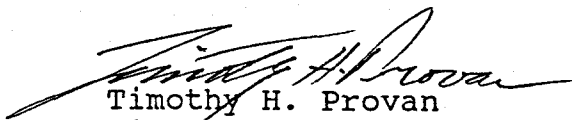
Dr. Dianne R. Nielson, Director
March 20, 1991
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such, water quality is important for the maintenance of healthy, naturally-reproducing populations. Turbidity, as measured in Nephelometric Turbidity Units (NTU), must not be allowed to increase beyond 10% of background measurements. This requirement should be indicated in Section 10.6

With reference to the proposed seed mix (Appendix 3-15), we recommend the addition of the following species: hard sheep fescue (Festuca ovina), Indian ricegrass (Oryzopsis hymenoides), Palmer penstemon (Penstemon palmeri), Rocky Mountain penstemon (Penstemon strictus), Porter licoriceroot (Ligusticum porteri), and mountain big sagebrush (Artemesia tridentata vaseyana). The sagebrush species should not be covered. It should be hydrosprayed in the seed mix slurry or broadcast over the surface before drilling or mulching. Application rates of broadcasted seed should be doubled.

Thank you for the opportunity to provide comment.

Sincerely,


Timothy H. Provan
Director

cc: Daron Haddock